

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GREGORY T. McCARTHY,	:	Civil Action 2:05-CV-0108
	:	
Plaintiff,	:	JUDGE HOLSCHUH
	:	
v.	:	MAGISTRATE JUDGE ABEL
	:	
MAITLAND PLACE, D.D.S.	:	
	:	
Defendant.	:	

STATUS REPORT OF DEFENDANT PLACE

Pursuant to the Court's January 27, 2009 Order (Doc #89), Defendant Dr. Maitland Place provides the Court with this Status Report.

On or about July 5, 2008, Plaintiff Gregory McCarthy passed away. Mr. McCarthy was not incarcerated at the time of his death. The undersigned learned of Mr. McCarthy's death after the Court of Appeals reversed the trial court decision and counsel was discussing the decision with DRC in-house counsel. In order to apprise the Court of Mr. McCarthy's passing, and be able to properly serve a notification of death, the undersigned counsel requested staff at the Ohio Department of Rehabilitation retrieve Mr. McCarthy's prison file and determine who Mr. McCarthy's next of kin or emergency contact was. Mr. McCarthy listed Rebecca Ferrell as his emergency contact and identified her as a "friend." On January 9, 2009 the undersigned sent Ms. Ferrell a letter asking her to contact the Ohio Attorney General's Office in order to get information about Mr. McCarthy's next of kin. On Friday January 30, 2009 the letter was returned with a postage mark of "deceased" stamped on the envelope.¹

¹ A copy of the letter sent to Ms. Ferrell and the envelope is attached to this Status Report.

In a 2001 Pre-Sentence Investigation Report, Mr. McCarthy indicated that he had 4 living siblings. Three siblings lived in New Jersey and one sibling lived in New York.² He also indicated he had three adult children but did not provide any information on their whereabouts.

At this time, Defendant is willing to file with this Court a Notice of Death but without any more information regarding the next of kin, counsel for defendant cannot serve the notice as required by the rules.

Respectfully submitted,

RICHARD CORDRAY
Ohio Attorney General

/s/ Lisa M. Eschbacher
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COUNSEL FOR DEFENDANT

STATEMENT REGARDING SERVICE

I hereby certify that a copy of the foregoing, *Status Report of Defendant Place* was electronically filed on February 3, 2009. Counsel for Defendant is unable to complete service via U.S. mail due to the death of the pro se Plaintiff.

/s/ Lisa M. Eschbacher
LISA M. ESCHBACHER
Assistant Attorney General

² Mr. McCarthy indicated a brother lived in Somerville, NJ, a sister lived in Sterling, NJ and another sister lived in New Jersey (no city given) and finally a sister lived in New York. No street addresses or telephone numbers were given for any of the siblings.